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JUN 16 2004

CONFIDENTIAL

DATE: 6/16/04

ATTORNEY DOCKET NO: 23540-6744545

UC Ref: 2001-072-2

To:

NAME	FAX NO.	PHONE NO.
USPTO MS Amendment	703.872.9306	

FROM: Susan T. Hubl, Ph.D.
Patent Agent

PHONE: (415) 875-2316

NUMBER OF PAGES WITH COVER PAGE: 14 ORIGINAL WILL NOT FOLLOW

MESSAGE:

Response to Office Action
 USSN 09/955,663

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JUN 16 2004

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0001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office		Application Number	09/955,663
		Filing Date	September 19, 2001	
		First Named Inventor	Rocke et al.	
		Group Art Unit Number	1631	
		Examiner Name	Cheyne D. Ly	
Total Number of Pages in This Submission	23/14	Attorney Docket Number	23540-07445US (UC Ref. 2001-072-2)	

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO/SB/06A <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input checked="" type="checkbox"/> Amendment/Response: [10] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): <input type="checkbox"/> [] Sheet(s) of Figure(s) [] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> FAX COVER SHEET <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

REMARKS:

SIGNATURE OF ATTORNEY OR AGENT			
Signature:	<i>Susan T. Hubl</i>		
Attorney/Reg. No.:	Susan T. Hubl, Ph.D. Patent Agent/ 47,668	Dated:	6/16/04

CERTIFICATE OF FACSIMILE TRANSMISSION			
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.			
Signature:	<i>Susan T. Hubl</i>		
Typed or Printed Name:	Susan T. Hubl, Ph.D. Patent Agent	Dated:	6/16/04
Facsimile Number:		1-703-872-9306	

23540-07445/SF/S123123.1
06/16/04

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 210.00)

Complete if Known	
Application Number	09/855,663
Filing Date	September 19, 2001
First Named Inventor	Rocke et al.
Examiner Name	Cheyne D. Ly
Art Unit	1631
Attorney Docket No.	23540-07445US (UC Ref: 2001-072-2)

METHOD OF PAYMENT (check all that apply) Check Credit Card Money Order Other None Deposit Account:Deposit Account Number **19-2555**Deposit Account Name **Fenwick & West LLP**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity			
Fee	Fee	Fee Description	Fee Paid	
Code (\$)	Code (\$)			
1001 770	2001 385	Utility filing fee		
1002 340	2002 170	Design filing fee		
1003 530	2003 265	Plant filing fee		
1004 770	2004 385	Reissue filing fee		
1005 160	2005 80	Provisional filing fee		
SUBTOTAL (1)		(\$)	0.00	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	x	=
Multiple Dependent	-3** =	x	=
Large Entity	Small Entity		
Fee	Fee	Fee Description	
Code (\$)	Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 66	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 66	2204 43	**Reissue independent claims over original patent	
1205 18	2205 9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$)	0.00

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity				
Fee	Fee	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051	85	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	820*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	210
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1607	50	Processing fee under 37 CFR 1.17(g)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1602	900	Request for expedited examination of a design application	
Other fee (specify) _____					
				SUBTOTAL (3)	(\$) 210.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Susan T Hubl, Ph.D. Patent Agent	Registration No. (Attorney/Agent)	47,668	Telephone (415) 875-2316
Signature	<i>Susan T Hubl</i>	Date	6/16/04	

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 210.00)*Complete if Known*

Application Number	09/955,663
Filing Date	September 19, 2001
First Named Inventor	Rocke et al.
Examiner Name	Cheyne D. Ly

Art Unit	1631
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Attorney Docket No.	23540-07445US (UC Ref: 2001-072-2)
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Check Credit Card Money Order Other None
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Deposit Account Number

19-2555

Deposit Account Name

Fenwick & West LLP

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FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
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1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
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1807 50	1807 50	Processing fee under 37 CFR 1.17(g)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
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1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			

SUBTOTAL (1) (\$ 0.00)**SUBTOTAL (2) (\$ 0.00)****SUBTOTAL (3) (\$ 210.00)**

*or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBMITTED BY*Complete (if applicable)*

Name (Print/Type)	Susan T Hubl, Ph.D. Patent Agent	Registration No. (Attorney/Agent)	47,668	Telephone (415) 875-2316
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Signature

Susan T Hubl

Date

6/16/04

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PATENT AND TRADEMARK OFFICE****JUN 16 2004**

APPLICANT(S):	David M. Rocke
APPLICATION NO.:	09/955,663
FILING DATE:	September 19, 2001
TITLE:	Method for Determining Measurement Error for Nucleic Acid Microarrays
EXAMINER:	Cheyne D. Ly
GROUP ART UNIT:	1631
ATTY. DKT. NO.:	23540-07445US (UC Ref 2001-072-2)
CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being transmitted on the date shown below via facsimile to the attention of: Examiner Cheyne D. Ly at facsimile number 703-872-9306.	
6/16/04	<i>Susan T. Hubl</i> Susan T. Hubl, Ph.D., Reg. No.: 47,668
Date	

MAIL STOP AMENDMENT
 COMMISSIONER FOR PATENTS
 P.O. BOX 1450
 ALEXANDRIA, VA 22313-1450

RESPONSE (37 C.F.R. § 1.111)

SIR:

Responsive to the Office Action dated January 16, 2004, received in the above-identified patent application, please enter the following amendments, and consider the accompanying remarks. Included with this Response is a Request for Extension of Time for two (2) months and the appropriate fee. This Response therefore is timely filed. Applicant respectfully requests reconsideration of the claims in the above-identified application in view of the following amendments and remarks for the purpose of putting the application in condition for allowance.

Amendments to the Claims begin on page 2. Remarks begin on page 5.